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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/925,868 09/09/97 ISBARA

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EXAMINER

WELLS, K

ART UNIT

PAPER NUMBER

2816

15

DATE MAILED: 08/02/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/925,868

Applicant(s)

ISBARA

Examiner

Kenneth B. Wells

Group Art Unit
2816



☒ Responsive to communication(s) filed on 6-18-99

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 6/18/99 has been received and entered in the case.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Fox, Nelson and GB 1,2287,021.

As to claim 1, note that each of these references discloses an RC attenuator, which is essentially all that applicant is reciting in this claim. The differences are that applicant uses a continuously-on biased FET instead of the discrete resistor shown by each of the references. However, the replacement of a discrete resistor with a continuously-on biased FET is notoriously well-known in the art (official notice is taken) and there is obvious motivation to make such a replacement, i.e., to save chip real estate, since discrete resistors take up more

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space than integrated FETs acting as resistance elements. The resistor recited in the claim also fails to distinguish patentably over these references because it is also old and well-known in the art to add such a series resistor between the gate bias voltage and the gate of the FET for the purpose of controlling the on level of the FET (and thereby controlling the resistance value of the FET), all of which are old and well-known concepts to those having ordinary skill in the art.

As to the remaining claims which recite the inverter 26 and pull-up FET 28, the limitations recited therein are also considered to be well-within the ordinary skill level and are thus obvious as well, for the reasons noted in the previous office actions.

Response to Arguments

4. Applicant's arguments filed on 6/18/99 have been fully considered but they are not persuasive.

Applicant's sole argument is that the transistor of the present invention functions differently from the resistors of the prior art applied against the claims. Without conceding the propriety of this statement, it is noted that the rejection under

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103 was simply that it would have been obvious to one of ordinary skill in the art at the time of the invention that the resistors of the prior art attenuators can be replaced with the art-recognized equivalent FET biased as a resistance element, without any unexpected results or operation, and such a modification to the applied prior art references would provide the same structure as recited in the instant claims, thus providing the same function and results.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Wells whose telephone number is (703) 308-4809. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan, can be reached on (703) 308-4876. The fax phone number for this Group is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Kenneth B. Wells
Primary Examiner
Art Unit 2816

August 2, 1999